

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SHEILA WOOD,

Plaintiff(s),

vs.

FEDEX FREIGHT,

Defendant(s).

Case No. 2:13-cv-1056-GMN-NJK

ORDER SETTING HEARING

“It is a simple task to comply with the Local Rules governing submission of a proposed discovery plan.” *Sierzega v. Country Preferred Ins. Co.*, 2013 U.S. Dist. Lexis 120095, *1 (D. Nev. Aug. 22, 2013). The parties failed to do so here in several regards. Most significantly, the parties’ holding of the Rule 26(f) conference and the filing of the discovery plan were untimely. Defendant filed a motion to dismiss on July 16, 2013. Docket No. 6.¹ As such, the discovery plan was due no later than August 30, 2013. *See* Local Rule 26-1(d) (explaining that the Rule 26(f) conference must take place within 30 days after the first defendant answers or otherwise appears, and the discovery plan must be submitted 14 days thereafter).

In addition, the parties seek a discovery period of roughly 330 days based on an unelaborated assertion that some witnesses with relevant information are in different locations. *See* Docket No. 14 at 2. That is not a sufficient explanation for a request to have a discovery period at roughly twice the

¹ The filing of a motion to dismiss does not automatically stay the requirement to diligently conduct discovery. *See, e.g., Tradebay v. eBay*, 278 F.R.D. 597, 600 (D. Nev. 2011).

1 presumptively reasonable length. *See* Local Rule 26-1(e)(1) (providing presumptively reasonable
2 discovery period of 180 days from the date the first defendant answers or appears).

3 In short, the presumptively reasonable discovery cutoff in this case is January 13, 2014, and it
4 appears that the parties have not begun discovery or suggested a reasonable period for completing it.
5 Accordingly, the Court hereby **SETS** a scheduling conference to determine how best to expeditiously
6 conduct discovery in this matter. The scheduling conference will take place on November 26, 2013 at
7 11:00 a.m. in Courtroom 3D.

8 IT IS SO ORDERED.

9 DATED: November 22, 2013

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NANCY J. KOPPE
United States Magistrate Judge
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